IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1386 OF 2007
IN
SUIT NO.1359 OF 1986

John Walker & Sons Ltd. ..Plaintiffs

V/s.

Pravara Sahakar Sahakar Karkhana Limited & anr. ..Defendants

Mr.Kiran Mehta i/b.G.S.Hegde, advocate, for the plaintiffs

CORAM : A.S.OKA, J.

DATE : 29TH SEPTEMBER, 2007

P.C.

1. Heard learned counsel appearing for the plaintiffs in support of Chamber Summons. He states that Chamber Summons has been duly served to the defendants.

2. The plaintiffs have filed the present suit against the defendants on account of alleged infringement of the statutory rights of the plaintiffs in a registered Trade Mark. In the affidavit in support it is stated that the Trade

Mark has been transferred and assigned in favour of United Distillers Plc.on 29th July, 2007. The said transferee company was re-registered as United Distillers Limited and the name of the said company was changed to United Distillers and Vintners (ER) Limited. Subsequently, there is a further transfer effected and now the transferee is DIAGEO BRANDS B.V. Therefore, this Chamber Summons has been taken out for substitution of the name of the plaintiffs on the basis of the assignment. A prayer is also made for carrying out consequential amendments to the plaint. There is no reply filed to the Chamber Summons.

3. Considering nature of the amendment, it is obvious that even if the amendment is allowed, it will not change nature of the suit. Hence, the amendment deserves to be allowed. Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of six weeks from today.

(**A.S.OKA, J.**)